

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on October 6, 2004, and made Final. Claims 21-34 stand for examination. Claims 21, 22, 27-29, and 34 stand rejected over DeLorme et al., US 5,948,040, hereinafter DeLorme. Claims 23 and 30 are rejected under 35 U.S.C. 103(a) over DeLorme in view of allegedly disclosed prior art. Claims 24 and 31 are rejected under 35 U.S.C. 103(a) over DeLorme in view of Cuumings of record. Claims 25 and 32 are rejected under 35 U.S.C. 103(a) over DeLorme in view of Lousig-Nont (Top Ten Excuses for Ignoring the Internet, George M. Lousig-Nont, USA Today, January 1997, pgs 58-59), hereinafter Lousig-Nont.

The applicant has amended claim 29 herein to change the word "system" to "method", correcting what was essentially a typographical error.

There are two independent claims in the standing claims, these being claims 21 and 28. These two claims are clearly patentable as they stand over the art cited and applied, so no arguments or amendments are made to or for any dependent claims, as all of the depended claims are patentable at least as depended from a patentable claim.

Regarding the rejection of claims 21 and 28, the Examiner relies on DeLorme, column 8 lines 1-3 for the applicant's "...appointment and reservation service system..". The functionality of the claimed system is to *allow potential customers to make appointments on line with subscribing businesses who have services to sell*. An electronic search of DeLorme reveals that the phrases "make appointment or schedule appointment" are nowhere to be found in DeLorme. DeLormes system manages data and allows a *user* to enter and change lists of appointments, etc. but does not enable the user to make appointments for services. DeLorme also presents

information from participating travel companies, restaurants, service organizations and the like, and provides info regarding discounts and the like, *but does not connect to the participating providers in a manner to allow the user to make or change an appointment or reservation, and update the subscribing business (participating provider) as to the allocation of the service inventory for sale.* This is at the heart of the claimed system.

The Examiner relies on DeLorme, column 14, lines 19-32 for the claimed "...one or more subscribing businesses..". There are clearly in DeLorme participating businesses, who provide discounts and the like, but there is no functionality for the user to make an appointment or a reservation with the participating businesses. Clearly the user can call the participating business and take advantage of an offer outside the TRIPS system; but the service to the businesses of vending the business inventory is not in DeLorme.

The Examiner relies on DeLorme at various points for the claimed limitation of an interactive interface that allows a user to click on a geographic region, which then provides a list of business types in that region, and upon clicking on a specific business type displays specific business of that type. There are programmed points of interest in DeLorme, but the Examiner is mistaken in his assumption that the language in DeLorme "...multimedia previews could be focused at the user's option, for example, just on restaurants..." anticipates the hierarchical functionality claimed.

The Examiner seems to be saying that DeLorme shows that technology exists that, if the invention were known, could be used to accomplish the invention, and therefore the invention is not patentable. If this were a valid argument for rejecting claims, then only those claims which *could not* be accomplished would be patentable.

DeLorme fails to anticipate the clearly stated limitations of the two independent claims, in every element, and merely provides a different but related service for a different purpose than that claimed. The claims therefore are not anticipated by DeLorme, and a proper prima facie rejection has not

been made. The two independent claims 21 and 28 are patentable over DeLorme, and all of the depended claims are therefore patentable at least as depended from a patentable claim. The applicant therefore requests reconsideration, and that the case be passed quickly to issue.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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by



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